

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SHERMAIN RAINES,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:05CV221 RWS
)	
JOHN E. POTTER,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before me on Defendant's motion to dismiss Raines' Second Amended Complaint as frivolous and malicious and because Raines has violated my previous Orders. Raines has violated my Orders and has acted maliciously in pursuing this lawsuit. As a result, the motion will be granted, and this case shall be dismissed with prejudice.

Raines is before the Court both *pro se* and *in forma pauperis* ("IFP"). Because Raines is before the Court IFP, I have a duty to "dismiss the case at any time if the court determines that . . . the action . . . is frivolous or malicious . . ." 28 U.S.C. § 1915(e)(2). I have warned Raines on numerous occasions that his attempts to add claims against employees of the Court or of the United States Attorneys' Office constitute malicious behavior under § 1915(e). And on December 22, 2005, I warned Raines that if he attempted to add any more claims against

employees of the United States Attorneys' Office, then I would dismiss this case with prejudice.

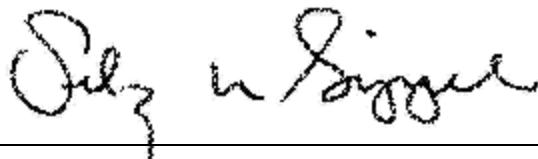
On March 10, 2006, Raines filed an additional "Complaint" in this case alleging "Racial prejudice and Retaliations by U.S. Department of justice" and one of the Court's security officers. This filing is a flagrant violation of my previous Order. Additionally the filing is "malicious" under § 1915(e) as there can be no other reason for this filing than to harass the employees of the United States Attorneys' Office. As a result, I will dismiss this case with prejudice.

Accordingly,

IT IS HEREBY ORDERED that Defendant's motion to dismiss [#43] is **GRANTED**.

IT IS FURTHER ORDERED that this case is **DISMISSED with prejudice**.

Dated this 23rd Day of March, 2006.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE